

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941-BB-ACE
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	
Defendants.)	
_____)	

ADMINISTRATIVE ORDER ON CASE MANAGEMENT PRIORITIES

THIS ORDER is entered by the Court to manage and coordinate the following three northern New Mexico stream system adjudications (“Three NNM Adjudications”):

- (1) Rio Pueblo de Taos – Rio Hondo Stream System Adjudication, *State v. Abeyta*, 69cv07896 & 69cv0739 (consolidated) (“Taos Adjudication”).
- (2) Rio Chama Stream System Adjudication, *State v. Aragon*, 69cv07941 (“Chama Adjudication”).
- (3) Rio Santa Cruz – Rio de Truchas Stream System Adjudication, *State v. Abbott*, 68cv07488 & 70cv08650 (consolidated) (“Santa Cruz/Truchas Adjudication”).

This Order supercedes the September 10, 2002, Administrative Order on Case Management Priorities (Docket Nos. Taos - 3047; Chama - 6863; Santa Cruz/Truchas - 2383). This Order is general, and will be followed by a series of detailed procedural and scheduling orders for each phase of each of these cases.

On December 3, 2003, the Special Master, attorneys for the State of New Mexico *ex rel* State Engineer (“State”), the United States of America (“United States”), attorneys representing the northern New Mexico acequia associations, and other counsel, and the Court’s data manager participated in an informal planning meeting regarding the three adjudications. The purpose of the meeting was to discuss how the limited resources of the Court, the State, and the parties should most efficiently be allocated between the Three NNM Adjudications, and to assist the Special Master in preparing this Order. In addition, the State agreed to compile a list of the matters that must be resolved before the Court can enter partial final decrees for the non-Indian water rights in the Three NNM Adjudications. That list, with several additions, is attached hereto as Exhibit 1, and may be added to at any time.

The Special Master, considered the comments and contributions of the State, the Acequias, the United States, counsel, and the Court’s data manager. The Court, having been sufficiently advised in the premises, finds that the following outline is a reasonable method by which the Court and the parties may allocate resources efficiently and complete these adjudications.

First Priority: Resolution of the following matters in the Taos and the Chama Adjudications shall be first priority among the Three NNM Adjudications. Pursuant to separate, detailed scheduling orders, the following matters shall be completed:

1. All matters listed relevant to the Taos Adjudication (Exhibit 1, heading 1).
2. “Primary subfile work” for the Chama Adjudication Sections 3, 5, and 7, and both primary subfile work and errors and omissions (“E&O”) claims for Section 2 (Exhibit 1, heading 2).
3. “Litigation of disputed subfile claims” for Chama Sections 2, 3 and 7 (Exhibit 1, heading 2).

The State shall allocate its resources to first priority matters over second and third priority matters. As between the Taos and Chama Adjudications, completion of the outstanding non-Indian matters in Taos shall be given the higher priority.

Second Priority: Resolution of the following matters in the Taos and the Chama Adjudications shall be second priority among the Three NNM Adjudications. Pursuant to separate, detailed scheduling orders, the following matters shall be completed:

1. E&O claims in the Chama Adjudication, Sections 1 and 4
2. Federal, non-Indian proprietary claims in the Chama Adjudication.
3. Priority dates for acequias and private ditches in the Chama Adjudication.
4. Determination of the diversion and irrigation water requirements in the Chama Adjudication.

The State shall allocate its resources to second priority matters over third priority matters

Third Priority: Resolution of all other matters not identified above shall be considered third priority tasks. The State shall pursue resolution of third priority matters with due diligence, but shall not allocate resources to third priority matters at the expense of first or second priority matters. The survey and adjudication of groundwater, and domestic and stock water uses, will be addressed in a separate scheduling order.

This Administrative Order may be amended for good cause upon motion or by the Court *sua sponte*.

IT IS SO ORDERED.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

/electronic signature/
VICKIE L. GABIN
SPECIAL MASTER

EXHIBIT 1

**Matters to be Resolved Prior to Preparation of
Partial Final Decree for Water Rights in Three NNM Adjudications**

1. Taos Adjudication:
 - a. Individual and Acequia E&O claims.
 - b. Springs claims.
 - c. Court E&O.
 - d. Diversion and irrigation water requirements.
 - e. Acequia diversion for stock water and domestic uses.
 - f. Finalize hydrographic survey maps.
 - g. Federal agency claims.

2. Chama Adjudication:
 - a. General (involves more than one section):
 - i. Primary subfile work, i.e., obtain entry of a subfile orders.
 - ii. Litigation of disputed subfile claims.
 - iii. Survey of groundwater, domestic and stock water uses.
 - iv. Acequia priority dates.
 - v. Ownership of water rights on federal lands.
 - vi. Individual and Acequia E&O issues.
 - vii. E&O issues (Individual, Acequia, and Court).
 - viii. Acequia customs.
 - ix. Diversion and irrigation water requirements.
 - x. Presentation of federal proprietary claims.
 - xi. Finalize hydrographic survey maps.
 - xii. Treaty of Guadalupe Hidalgo issues.

 - b. Section 1 (Chama Mainstream):
 - i. E&O issues (Individual, Acequia, and Court).
 - ii. Acequia priority dates.
 - iii. Ownership of water rights on federal lands.
 - iv. Diversion and irrigation water requirements.

 - c. Section 2 (Ojo Caliente):
 - i. Primary subfile work, i.e., obtain entry of a subfile orders (about 30% have no subfile order).

- ii. Litigation of disputed subfile claims.
 - iii. Acequia customs.
 - iv. E&O issues (Individual, Acequia, and Court).
- d. Section 3: (Rio Nutrias, Rio Cebolla, Canjilon Creek):
 - i. Primary subfile work, i.e., obtain entry of a subfile orders (about 30% have no subfile order).
 - ii. Litigation of disputed subfile claims.
 - iii. Acequia priority dates.
 - iv. Diversion and irrigation water requirements.
 - v. Federal stock and wildlife water claims.
- e. Section 4 (El Rito):
 - i. E&O issues (Individual, Acequia, and Court).
 - ii. Acequia customs.
 - iii. Priority dates of private ditches.
- f. Section 5: (Rio Gallina):
 - i. Entry of subfile orders on disputed claims.
 - ii. Acequia priority dates.
 - iii. Acequia customs.
 - iv. Diversion and irrigation water requirements.
 - v. Federal stock and wildlife water claims.
 - vi. Court's E&O issues.
- g. Section 6 (Cañones): Court's E&O work.
- h. Section 7 (Rito de Tierra Amarilla; Rio Brazos; Rutherton & Plaza Blanca; Cañones Creek, Village of Chama):
 - i. Primary subfile work, i.e., obtain entry of a subfile orders (about 50% have no order).
 - ii. Litigation of disputed subfile claims.
 - iii. Acequia priority dates.
 - iv. Diversion and irrigation water requirements.
 - v. Federal stock and wildlife water claims.
 - vi. Treaty of Guadalupe Hidalgo issues.
- i. Section 8 (Rio Puerco): Court's E&O work.

3. Santa Cruz/Truchas Adjudication:
 - i. Individual and Acequia E&O issues.
 - ii. Court's E&O issues.
 - iii. United State Forest Service claim on Borrego Mesa.
 - iv. BLM claims.
 - v. Santa Cruz Irrigation District storage right claim.
 - vi. Diversion and irrigation water requirements.
 - vii. Finalize hydrographic survey maps.